

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOUGLAS COLLINS,

Plaintiff

08-CV-6700 (NRB)(THK)

-against-

ANSWER

THE LONG ISLAND RAILROAD COMPANY,

Defendant.

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S I R S :

Defendant, THE LONG ISLAND RAIL ROAD COMPANY ("LIRR") sued herein as THE LONG ISLAND RAILROAD COMPANY, by its attorney, CATHERINE A. RINALDI, ESQ., answering the complaint of plaintiff, alleges upon information and belief:

1. Denies the allegations contained in paragraph "1" and refers all questions of law to this Court for its determination.
2. Denies the allegations contained in paragraph "3" but admits that at all times hereinafter mentioned, the defendant had been and still is doing business in the County of New York, State of New York.
3. Denies the allegations contained in paragraph "5" but admits that on or about March 15, 2007 and at all times hereinafter mentioned the defendant employed the defendant.
4. Denies the allegations contained in paragraph "6" but admits that on or about March 15, 2007 and at all times hereinafter mentioned, the defendant maintained and controlled railroad operations which included tracks located in and around Nassau Blvd. Station, Nassau County, New York.
5. Denies the allegations contained in paragraphs "7", "8", "9" and "10" of the

plaintiff's complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Any injuries suffered by plaintiff were caused solely by his own negligence and not by any negligence of the answering defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. Any injuries suffered by plaintiff were caused, in part, by his own negligence, and any recovery by plaintiff must be diminished in proportion to that part of his injuries attributable to his own negligence.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Any injuries suffered by plaintiff were not caused by a negligent act or omission of the answering defendant or any individual acting under its direction or control.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

WHEREFORE, defendant LIRR demands judgment of this court dismissing the complaint in its entirety, plus the costs and disbursements of the action.

Dated: Jamaica, NY
September 4, 2008

Yours, etc.,

CATHERINE A. RINALDI, ESQ.
Vice President/General Counsel & Secretary
Attorney for Defendant

By: 
Karla R. Alston (KA6778)

Law Department - 1143
Jamaica Station
Jamaica, New York 11435
(718) 558-8478
File No.: TPA-0188/LMTACF000905

TO: SABLE & GOLD
Attorneys for Plaintiff
450 Seventh Avenue, Suite 405
New York, NY 10123
Att: Frederic M. Gold